

REMARKS

On November 3, 2004, the Office mailed a Restriction Requirement requiring the Applicants to elect a single disclosed species to which the claims would be restricted if no generic claim was found allowable. In addition, the Examiner noted that the present application did not include a generic claim. With respect to the species, the Examiner noted five patentably distinct species, as set forth below:

- I. claims 1-20, 35-36, and 58 for claiming a method that includes a program interface routine for retrieving data, and a program product that includes program code for retrieving data;
- II. claims 21-32, 34, 38-40, and 59 for claiming a method that includes a program interface routine for storing instructions, and a program product that includes program code for storing instructions;
- III. claim 33 for claiming an application program interface routine for retrieving data, storing retrieved data, and after storing retrieved data, receiving a user request from the user;
- IV. claims 41-49 and 56 for claiming a database for storing data obtained through a first network, a program interface routine for retrieving data, and a triggering module for initiating a routine to retrieve data; and
- V. claims 50-55 and 57 for claiming a database for storing instructions for the device retrievable through a first network, an application program interface routine for storing instructions, and a triggering module for initiating a routine to store instructions.

In response to the lack of a generic claim, the Applicants have included in this response, new claims 60-75, of which independent claim 60 is a generic claim. Dependent claims 61-75 ultimately depend from independent generic claim 60.

Also, Applicants elect, in compliance with MPEP Section 818, species I without prejudice. Applicants, however, reserve the right to later pursue the subject matter of species II-V, specifically, claims 21-34, 37-57, and 59, in one or more divisional applications.

Applicants submit that upon the allowance of a generic claim in the present application, they will be entitled to consideration of claims to additional species that include all the elements of an allowed generic claim as provided by 37 CFR 1.141. Thus, the Applicants submit that the allowance of independent generic claim 60 entitles them to consideration of claims to the additional species noted by the Examiner, specifically, claims 21-34, 37-57, and 59.

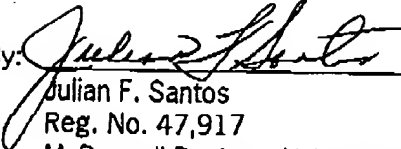
CONCLUSION

In view of the foregoing marks, applicants submit that the present application is in good and proper form for allowance, and thus, respectfully request the Examiner to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would otherwise expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at 312-913-3304.

Respectfully submitted,

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